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(Agent for Komir, Inc.) and Komir, Inc.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

Case No. 19-30088 (DM)

PG&E CORPORATION,

Chapter 11

- and -

(Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

G Affects PG&E Corporation
G Affects Pacific Gas and Electric Company
O Affects both Debtors

**CLAIMANT'S *EX PARTE* MOTION FOR
ORDER STRIKING LATE FILED
PLEADINGS: (1) PG&E'S
SUPPLEMENTAL REPLY BRIEF IN
SUPPORT OF COUNTER-MOTION FOR
SUMMARY JUDGMENT and (2)
SUPPLEMENTAL DECLARATION OF
ROGER LEATHERMAN IN
OPPOSITION TO PARTIAL MOTION
FOR SUMMARY JUDGEMENT AND IN
SUPPORT OF COUNTER-MOTION FOR
SUMMARY JUDGMENT,**

and

REQUEST FOR JUDICIAL NOTICE

Date: Ex Parte

Time: Ex Parte

**Place: (Tele/Videoconference Appearances
Only)**

**United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102**

1 Amir Shahmirza, as agent of, and acting on behalf of, Komir, Inc. ("Komir" or "Claimant"),
2 hereby moves the Court, *ex parte*, for an order striking the late filed pleadings identified immediately
3 below:

- 4 1. "PG&E'S Supplemental Reply Brief in Support of Counter-motion for Summary
5 Judgment" filed on May 4, 2023 as Docket No. 13695. ("Late Pleading #1").
- 6 2. Supplemental Declaration of Roger Leatherman in Opposition to Partial Motion for
7 Summary Judgement and in Support of Counter-Motion for Summary Judgment filed
8 on May 3, 2023 as Docket No. 13692. ("Late Pleading #2").
9 (jointly, the "Late Pleadings").

10 This Ex Parte Motion is based upon the grounds that (a) the Late Pleadings were filed after
11 the expiration of the period for PG&E to file further pleadings in opposition to Claimant's Motion
12 for Partial Summary Judgment or in support of Debtors' Counter-Motion for Summary Judgment
13 which period expired on April 19, 2023 and (b) Claimant is prejudiced by the late filings that
14 allowed only 2 (Late Pleading #1) and 3 (Late Pleading #2) business days for response by Claimant.

15 This Ex Parte Motion is based upon the Order Approving Stipulation to Modify Schedule
16 Regarding Motions for Summary Judgment on Claim of Amir Shahmirza entered herein on March
17 18, 2023 as Docket No. 13630, copy attached as Exhibit A hereto. Claimant requests that the Court
18 take Judicial Notice of its Order, Exhibit A, pursuant to Federal Rules of Evidence, Rule 201.
19 Respectfully submitted.

20 Dated: May 8, 2023

COHEN AND JACOBSON, LLP

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22 By: /s/ Lawrence A. Jacobson
Lawrence A. Jacobson
23 Attorneys for Claimant.
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EXHIBIT A



Signed and Filed: March 18, 2023

DENNIS MONTALI
U.S. Bankruptcy Judge

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Attorneys for Debtors and Reorganized Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case, No.
19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**ORDER APPROVING STIPULATION TO
MODIFY SCHEDULE REGARDING
MOTIONS FOR SUMMARY JUDGMENT
ON CLAIM OF AMIR SHAHMIRZA**

[Related to Dkt. Nos. 12130, 13478, 13567]

1 The Court having considered the *Stipulation to Modify Schedule Regarding Motions for*
2 *Summary Judgment on Claim of Amir Shahmirza*, dated March 17, 2023 (the “**Stipulation**”),¹ entered
3 into by PG&E Corporation and Pacific Gas and Electric Company, as debtors and reorganized debtors
4 (collectively, the “**Debtors**” or the “**Reorganized Debtors**”) in the above-captioned chapter 11 cases
5 (the “**Chapter 11 Cases**”) on the one hand, and Creditors Amir Shahmirza (Agent for Komir, Inc.) and
6 Komir, Inc. (together, “**Shahmirza**”) on the other hand, by and through their counsel; and pursuant to
7 such Stipulation and agreement of the Parties, and good cause appearing,

8 IT IS HEREBY ORDERED THAT:

- 9 1. The Stipulation is approved.
- 10 2. Shahmirza shall file an opposition to the PG&E Motion and a reply in support of the
11 Shahmirza Motion on or before April 3, 2023.
- 12 3. The Reorganized Debtors shall file a reply in support of the PG&E Motion on or before
13 April 19, 2023.
- 14 4. A hearing on the Shahmirza Motion and PG&E Motion will be held on **May 9, 2023**, at
15 10:00 a.m. (Pacific Time).
- 16 5. The April 11, 2023 hearing on this matter is dropped from the calendar.
- 17 6. The Stipulation and this Order are without prejudice to any Party requesting a further
18 continuance of the hearing or otherwise modifying the briefing schedule set forth herein.
- 19 7. The Bankruptcy Court shall retain jurisdiction to resolve any disputes or controversies
20 arising from the Stipulation or this Order.

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28 ¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Stipulation.

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APPROVED AS TO FORM AND CONTENT:

COHEN AND JACOBSON, LLP

/s/ Lawrence A. Jacobson

Lawrence A. Jacobson

*Attorneys for Amir Shahmirza (Agent for Komir, Inc.)
and Komir, Inc.*

*** END OF ORDER ***